

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

September 16, 2008

2008 SEP 17 P 1: 27

Thomasenia Duncan, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

MUR # 6075

**Re: Complaint against Congressman Joe Barton, Congresswoman Kay Granger,
and Texas State Representative Bill Zedler.**

Dear Ms. Duncan,

I write this letter to file a complaint pursuant to 2 U.S.C. § 437g(a)(1) against Congressman Joe Barton, Congresswoman Kay Granger, and Texas State Representative Bill Zedler. ("Respondents").

The record shows that Representatives Barton and Granger, together with their agent, illegally solicited "soft money." Specifically, funds far exceeding federal contribution limits were solicited for State Representative Zedler's reelection campaign, in an invitation for an event held September 9, 2008.

The facts show that Respondents were well aware of their error. Nine days later, they purported to "supersede" the original, illegal solicitation with one not mentioning Barton or Granger, and blamed the violation on a "layout error." But their demand for money apparently outweighed their desire to comply, because they continued illegally to solicit and accept contributions exceeding federal limits.

Because Respondents' soft money fundraising clearly violated federal law, the Commission should immediately investigate this matter and seek an injunction against future violations.

THE FACTS

Representatives Barton and Granger are Members of Congress and candidates for reelection. They were "Honorary Hosts" of a September 9, 2008, fundraising event for State Representative Bill Zedler, who seeks reelection to the Texas House of Representatives. [See Attachment 1] The original invitation, which prominently displayed Barton and Granger's names and was sent on August 19, expressly asked for contributions as high as \$5,000. [See Attachment 1] This amount more than doubles the \$2,300 limit on federal candidate contributions. See 2 U.S.C. § 441a(a)(1)(A).

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The August 19 invitation shows that Bill Zedler was an agent of Barton and Granger, at least for purposes of the September 9 event. Barton and Granger authorized him to use their names in writing to raise money. Given Zedler's political sophistication, it is inconceivable that he would have distributed an invitation featuring two Members of Congress without having secured their consent beforehand. This rendered the August 19 invitation a solicitation by Barton and Granger. See Candidate Solicitation at State, District and Local Party Fundraising Events, 70 Fed. Reg. 37,649, 37,653 (2005) ("when a federal candidate or officeholder signs a fundraising letter or makes any other written appeal for non-Federal funds, there is no question that a solicitation has taken place that is restricted ..."). But it also made Zedler an agent of Barton and Granger, and independently subject to the soft money fundraising restrictions, because Barton and Granger had authorized him to raise funds on their behalf for the September 9 event. See 2 U.S.C. § 441i(e)(1). See also 11 C.F.R. § 300.2(b)(3) (defining a federal officeholder's "agent" as one who, *inter alia*, has actual authority to solicit funds "in connection with any election").

The facts show that Respondents knew of their illegal conduct and tried to cover their tracks. On August 28, a second invitation was sent, omitting Barton and Granger's names. It claimed that "[a] layout error" had been made in the August 19 invitation. It purported to "supersede[]" all other invitations in order to ensure complete compliance with state and federal law." [Attachment 2]

The revised invitation came after *Texas Weekly* learned of the original invitation and correctly described it as a violation. [Attachment 3] Yet in the revised invitation, Respondents still asked for contributions of up to \$5,000 – far in excess of the federal limit. Rather than keep their fundraising within the federal limits, and refuse contributions that did not comply, they chose instead to press on, and keep accepting illegally solicited funds.

ARGUMENT

Federal candidates, officeholders and their agents may not solicit "soft money" in connection with elections. See 2 U.S.C. § 441i(e)(1)(B); 11 C.F.R. § 300.62. Because an invitation that names a federal candidate, is authorized by that candidate, and asks for contributions is a solicitation by that candidate, see 11 C.F.R. § 300.2(m), it must ask only for funds that fall within federal limits. See Advisory Opinion 2003-03. But individuals may contribute only \$2,300 per election to a federal candidate's campaign. See § 110.1(b). Thus, for a federal candidate to solicit more funds than that for a state candidate is against the law.

The attached invitation from the Bill Zedler Campaign uses Barton and Granger's names – with their apparent authorization – to ask for contributions that far exceed federal

limits. [See Attachment 1] By seeking contributions of more than double the federal limit, Respondents have solicited "soft money" in clear violation of federal law.

When the violation detailed in this complaint became public, none of the respondents (State Representative Bill Zedler, Congressman Barton and Congresswoman Granger) seems to have taken any public action to inform donors that they had been solicited illegally and should restrict their contributions to no more than \$2,300. [See Attachment 3, Texas Weekly, 8/21/2008] A follow up solicitation promoting the event continued to request up to \$5,000 contributions, even after the campaign had acknowledged Barton's and Granger's participation and that contributions of over \$2,300 violated federal law. [See Attachment 2] The event itself was held on September 9, 2008 and, since then, Bill Zedler has given no indication that he intends to return funds illegally solicited. Further, none of the respondents have withdrawn their support or ended their participation in the Bill Zedler Campaign.

Respondent's failure to adequately inform donors of the violation, reduce the level of donation requested or ask that Barton and Granger withdraw as event sponsors appears to be deliberate. Their clear disregard for the federal law prohibiting Members of Congress soliciting soft money is apparent in the comments of Mr. Jeff Fisher when speaking on behalf of Bill Zedler. After being notified of the violation, Fisher said, "I don't think sending a correction fixes it, necessarily." [See Attachment 3, Texas Weekly, 8/21/2008]

Republican State Representative Bill Zedler is seeking his fourth two-year term to the Texas State House, so he is not a first time candidate unfamiliar with the laws governing elections. His campaign spokesman, Jeff Fisher, is the former executive director of the Republican Party of Texas and should be familiar with both State and Federal campaign finance laws. Both Congressman Barton and Congresswoman Granger have served in the U.S. House for more than 10 years; both voted on the Bipartisan Campaign Reform Act of 2002, which bans them from soliciting soft money. It is clear that State Representative Bill Zedler, Congressman Joe Barton, and Congresswoman Kay Granger acted with blatant disregard for federal campaign law.

Thus, I request that the Commission investigate immediately the violations presented herein. I further request that Respondents be enjoined from further violations, and be fined the maximum amounts permitted by law.

Sincerely,


Betty Turkinson Fischer

Arlington, TX 76013

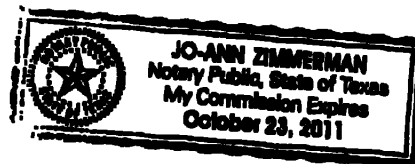
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SUBSCRIBED AND SWORN to before me this 16th day of September, 2008.

Jo Ann Zimmerman
Notary Public

My Commission Expires:

Oct. 31, 2011



29044254598

From: Deborah Ingersoll [REDACTED]
Sent: Tuesday, August 19, 2008 12:54 PM
To: Recipient list suppressed:
Subject: Rep. Bill Zedler Fundraising Reception

Attachment 1

PLEASE NOTE: WE ARE NOT ORGANIZING THIS EVENT.
PLEASE SEE ATTACHMENT AND INFORMATION BELOW. *Thanks!*



Dee Kelly, Jr. cordially invites you to
a luncheon reception honoring
State Representative

Bill Zedler

*Vice Chairman Public Education
Business and Industry Committee Member
House Administration Committee Member*

Honorary Hosts

The Honorable Gregg Abbott - Attorney General of Texas
The Honorable Joe Barton The Honorable Kay Granger
The Honorable Kim Brimer The Honorable Jane Nelson

Special Guest

The Honorable Tom Craddick
Speaker of the Texas House

Tuesday, September 9, 2008
11:30 AM – 1:00 PM

The City Club
301 Commerce Street
Fort Worth, Texas 76102
Host Contribution Levels

29044254599

***\$5000 * \$2500 *\$1000**

**RSVP by September 5th or for additional information,
please contact Kerry Lundelius**

| or

Contributions may be mailed to:

Friends of Bill Zedler

P.O. Box 175473

Arlington, Texas 76003

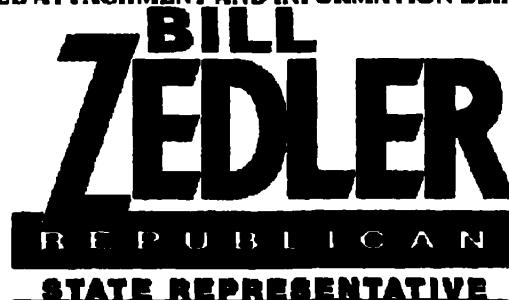
**POLITICAL ADVERTISEMENT PAID FOR BY Deborah C. Ingersoll
| * Austin TX * 78730**

29044254600

From: Deborah Ingersoll [mailto:]
Sent: Thursday, August 28, 2008 11:59 AM
To: Recipient list suppressed:
Subject: Rep. Bill Zedler Fundraising Reception

Attachment 2

PLEASE NOTE: WE ARE NOT ORGANIZING THIS EVENT.
PLEASE SEE ATTACHMENT AND INFORMATION BELOW. Thanks!



Dee Kelly, Jr. cordially invites you to
a luncheon reception honoring

State Representative Bill Zedler

*Vice Chairman Public Education
Business and Industry Committee Member
House Administration Committee Member*

Special Guests

**The Honorable Tom Craddick
Speaker of the Texas House**

**The Honorable Roger Williams
Chairman Victory Texas '08**

Tuesday, September 9, 2008

11:30 AM – 1:00 PM

The City Club

301 Commerce Street

Fort Worth, Texas 76102

A layout error was made on the previous invitation to this event. This corrected invitation
supersedes all other invitations in order to ensure complete compliance with state and
federal law.

POLITICAL ADVERTISEMENT PAID FOR BY Deborah C. Ingersoll
* Austin TX * 78730

29044254601



Yes. I support Rep. Zedler's re-election, and plan to attend the luncheon on September 9th.

Host Level Contributions:

G \$5,000 G \$2,500 G \$1,000

G I am unable to attend the reception, however, enclosed is my check for Bill's re-election.

Please make checks payable to Friends of Bill Zedler.

Personal and PAC checks are welcome.

Corporate donations are prohibited by state law.

Contributions are not tax deductible.

Please complete the back of this card for Bill and for Texas Ethics Commission reporting.

Name _____

Address _____

City/ST/Zip _____

Office Phone _____

Home Phone _____

Email _____

Employer _____

Occupation _____

Mail to P.O. Box 175473 Arlington, Texas 76003

Pol. Adv. paid for by Friends of Bill Zedler • P.O. Box 175473 • Arlington, TX 76003

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TEXAS WEEKLY

Bzzzzt!

State Rep. **Bill Zedler**, R-Arlington, flew too close to the bug zapper with a mailing inviting folks to a fundraiser featuring Republican U.S. Reps. **Joe Barton** of Ennis and **Kay Granger** of Fort Worth among the "honorary hosts."

The September 9 fundraiser at Fort Worth's City Club also features House Speaker **Tom Craddick** as "special guest" and Attorney General **Greg Abbott** and Sens. **Kim Brimer** and **Jane Nelson** as honorary hosts. The invite asks supporters to sign on as hosts for the luncheon at the \$1,000, \$2,500, or \$5,000 level.

If you're a campaign finance lawyer or a political nerd, you'll find the same violation in the previous paragraph that the Democrats at the Lone Star Project found: Federal officeholders solicit more money — even for an unregulated state candidate — than they're allowed to collect for their own campaigns. And for members of Congress like Barton and Granger, that's \$2,300 per person.

That group — which supports Democrat **Chris Turner** in that House race — says Zedler should cancel the event. **Jeff Fisher**, the former Republican Party of Texas executive director who is now running Zedler's campaign, says it was "a layout mistake" in the mailer sent to supporters. Fisher says only 51 were sent. He says Barton and Granger should've been listed as guests. Asked whether he plans another mailing correcting the first one, he sighed. "I don't think sending a correction fixes it, necessarily."

By ramsey at 21 Aug 2008 - 10:05pm | [Latest News](#) | [Printable Version](#)

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